

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA ex rel.)
SHAWN PETRENKO #R-13864,)
Petitioner,)
v.) No. 11 C 1356
MARCUS HARDY, Warden,)
Respondent.)

MEMORANDUM ORDER

Shawn Petrenko ("Petrenko") has filed a timely Notice of Appeal ("Notice") from this Court's August 17, 2011 memorandum opinion and order ("Opinion") that dismissed Petrenko's 28 U.S.C. §2254 Petition for Writ of Habeas Corpus.¹ Petrenko has accompanied the Notice with a Motion for Certificate of Appealability, but the Opinion had already denied such a certificate pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts. Petrenko is of course free to tender his request in that respect to the Court of Appeals for its decision.

What this Court does have to deal with in connection with Petrenko's appeal is his contemporaneously submitted In Forma Pauperis Application ("Application"), supplemented by the

¹ Although Petrenko's Notice was received in the District Court Clerk's Office on September 21, this Court has credited him with a September 15 filing date under the "mailbox rule" that applies to submissions by incarcerated persons (Houston v. Lack, 487 U.S. 266 (1988)).

required printout reflecting transactions in his trust fund account at Stateville Correctional Center ("Stateville," where he is serving his sentence). In that respect this Court has made the calculation called for by 28 U.S.C. §1915 ("Section 1915") and finds that Petrenko's average monthly deposits to his account amounted to \$104.20 for the relevant six-month period (see Section 1915(a)(2)), so that the initial partial filing fee--20% of that amount (Section 1915(b)(1))--comes to \$20.84. Accordingly the Application is granted to the extent that Petrenko need not pay the full \$455 in filing fees in advance, although he must pay that entire amount in current and future installments.

Petrenko is therefore assessed that initial partial payment of \$20.84, and the Stateville trust fund officer is ordered to collect that amount from Petrenko's trust fund account and to pay it directly to the Clerk of this District Court ("Clerk"):

Office of the Clerk
United States District Court
219 South Dearborn Street
Chicago IL 60604

Attention: Fiscal Department

Both that initial payment and all future payments called for in this memorandum order shall clearly identify Petrenko's name and the District Court's 11 C 1356 case number assigned to this action. To implement these requirements, the Clerk shall send a copy of this memorandum order to the Stateville trust fund

officer.

After such initial payment, the trust fund officer at Stateville (or at any other correctional facility where Petrenko may hereafter be confined) is authorized to collect monthly payments from Petrenko's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from the trust fund account shall be forwarded to the Clerk each time the amount in the account exceeds \$10 until the full \$455 in filing fees is paid.



Milton I. Shadur
Senior United States District Judge

Date: September 22, 2011